

W. Atch

47 a, 40



New York Herald
June 11, 1830

The Libel Case.

To the Editor of the Newburyport Herald.

Dear Sir:— I thank you for a copy of the Herald, containing a notice of my late trial for an alleged libel on Mr. Francis Todd. Your encomiums I receive with pleasure and humility. The esteem of a good man is always worth possessing; but to him who stands comparatively alone in the world—fatherless, motherless—without wealth, and unassisted by the influence of relatives—and who has just passed the vestibule of manhood, it is invaluable. I have received too many kindnesses at your hands to doubt your friendship; and too many ever to forget the obligations under which I labor.

Yet there are some passages in your review, which seem to require a brief interrogation. You say:

"When carried on by system, for purposes of traffic, the domestic slave trade deserves the reprobation of every man who dares call himself free, or just, or humane."

Surely, Sir, you do not mean to justify or palliate the occasional transportation of slaves? If the whole system be abhorrent to humanity, can any part of it be venial? If Austin Woolfolk



(a
th
on
m
fo
m
k
C
v
P
Q
a
P
u
c
N

2nd

(a slave-exporter of devilish notoriety in Maryland) deserves the withering indignation of a virtuous community, for carrying on the trade regularly, does not Francis Todd (or any other merchant-) merit reprobation - in a less degree, certainly - for dipping into it irregularly? In a case of theft, is it not an orthodox maxim, that "the receiver (i. e. he who knows that the goods are stolen) is as bad as the thief?" Even if a man connives at crime, though he is not the immediate perpetrator thereof, the law does not hold him guiltless; and common sense tells us that it should not. The above quotation carries a pernicious inference - contrary, I am sure, to your intention. But why not have explicitly declared, that no device should protect the man from public indignation, who assists in any way, or however rarely, in extending and perpetuating the horrible traffic? For myself, neither the terror of the law, nor the fire of martyrdom*, shall deter me from invoking confiscation and imprisonment upon every such abettor. (No break)

* A few days since, Judge Brice observed to the Warden of the Jail, that "Mr. Garrison was ambitious of becoming a martyr." "Tell his Honor," I responded, "that if his assertion be true, he is equally ambitious of gathering the faggots, and applying the torch."



Pope illustrates the distinction with admirable conciseness:

"Friend, spare the person, and expose the vice."

"How! not condemn the charper, but the dice!"

Moreover, you remark:

"If, in assailing the traffic, Mr. Garrison steps aside to wound those, who are not, and would never be, guilty of joining in it, he is neither to be justified nor commended," — &c. &c.

[Certainly not.] "And he who is made the object of the odious charge, if innocent, is not to be brow-beaten for taking lawful steps to vindicate his character." [Idto.]

"There is a gratuitous insinuation in these terms, which is calculated to injure my character with those who are ignorant of the merits of the present case. Have I gone out of my way to attack an innocent man? If not, where is the pertinency of your remarks? Now, I substantially proved the truth of my allegations at my trial — namely, that the Francis carried slaves to New-Orleans, and that she was owned by Mr. Todd: nay, that thirteen more were taken than I had represented.

Yet you do not apprise your readers of these facts, but leave them to infer that I have slandered the character of this gentleman in the most wilful and unpardonable manner!!



Is this suppression commendable? It is true, I did not prove (for I had no time to obtain evidence, as the ship sailed from New-Orleans for Europe) that the slaves were put in close confinement on the voyage. The pilot of the *Francis* stated, that they were at liberty while he was on board; but it is highly probable, that, after the vessel got out to sea, they were restricted and bound. For if otherwise, I entertain a very poor opinion of Capt. Brown's prudence. But it is incredible that eighty-eight negroes, in their degraded condition, were permitted to ramble at pleasure about the ship. Every body (who is familiar with the troops) know that chains are inseparable from transportation. Nor, in the eye of the law, is the confinement of slaves a grievance, but a preservative right, indispensable to the safety of the officers, crew and cargo. I have no reason to suppose, that Capt. Brown was excessively rigorous; but I do not believe that his discretion was lost in his humanity. With regard to my allusion to Mr. Todd's inexplicable success in trade, I did not mean to be understood as insinuating, that this success involved his integrity of character, or was prejudicial

U
h
f
U
K
U
L
h

7
U
U

7

thereof; but simply to affirm, (what was popular belief,) that he had always been remarkably lucky — inasmuch that his good fortune was occasionally a topic of public conversation. I hinted that the transportation of the slaves, in the Francis, might possibly unravel the enigma — adding the general proposition, that “any man could gather up riches, if he did not care by what means they were obtained.”

Again you say:

“That such an one considers it a libel on his reputation, is a circumstance highly in his favor. It shows that he himself thinks, with the just and benevolent, that the traffic ought not to be supported.”

* Now I am inclined to the opinion, that this circumstance proves exactly the reverse of your supposition. Mr. Todd was deliberately guilty of the charge brought against him; and it was his unexpected exposure together with the consciousness of guilt, which made him vindictive. Mr. Thompson, his agent in this city, testified in court, that Mr. Todd sacrificed his conscience for the sake of a little paltry gain — though the witness did not intend, probably, to make so precious a confession. If Mr. Todd had been innocent, he would not



have instantaneously kindled into a passion, and presented me as a libeller to a jury whom he suspected of cherishing hostile feelings towards the Genius of Universal Emancipation.

Charitably believing that I had been unwittingly led into error, he would have corresponded with me on the subject, and demanded a public apology for the injury inflicted upon his character; and I would have promptly made that apology — yea, upon my bended knees. For I confidently assert, that no individual who knows me personally — not even the accused himself — believes that I was instigated by malice, in the publication of my strictures. I make no other charge against him. If I have enemies, I forgive them — I am the enemy of no man. My memory can no more retain the impression of anger, hatred or revenge, than the ocean the track of its moneteers.

4 The admonition of Ganganelli, that libels and satires make an impression only upon weak and badly organized heads, ought not to have been lost upon Mr. Todd — especially if his hands were clean and his heart white. Moreover, what if the times were hard, freights dull, and money scarce — was he in danger of starvation? And, if so, how much

nobler would have been his conduct, if he had adopted the language of the martyred patriot of England — the great Algernon Sidney! —

"I have ever had in my mind, that when God should cast me into such a condition, as that I cannot save my life but by doing an indecent thing, he shew me the time has come wherein I should resign it; and when I cannot live in my own country but by such means as are worse than dying in it, I think he shew me I ought to keep ^{myself} out of it."

Finally, you observe:

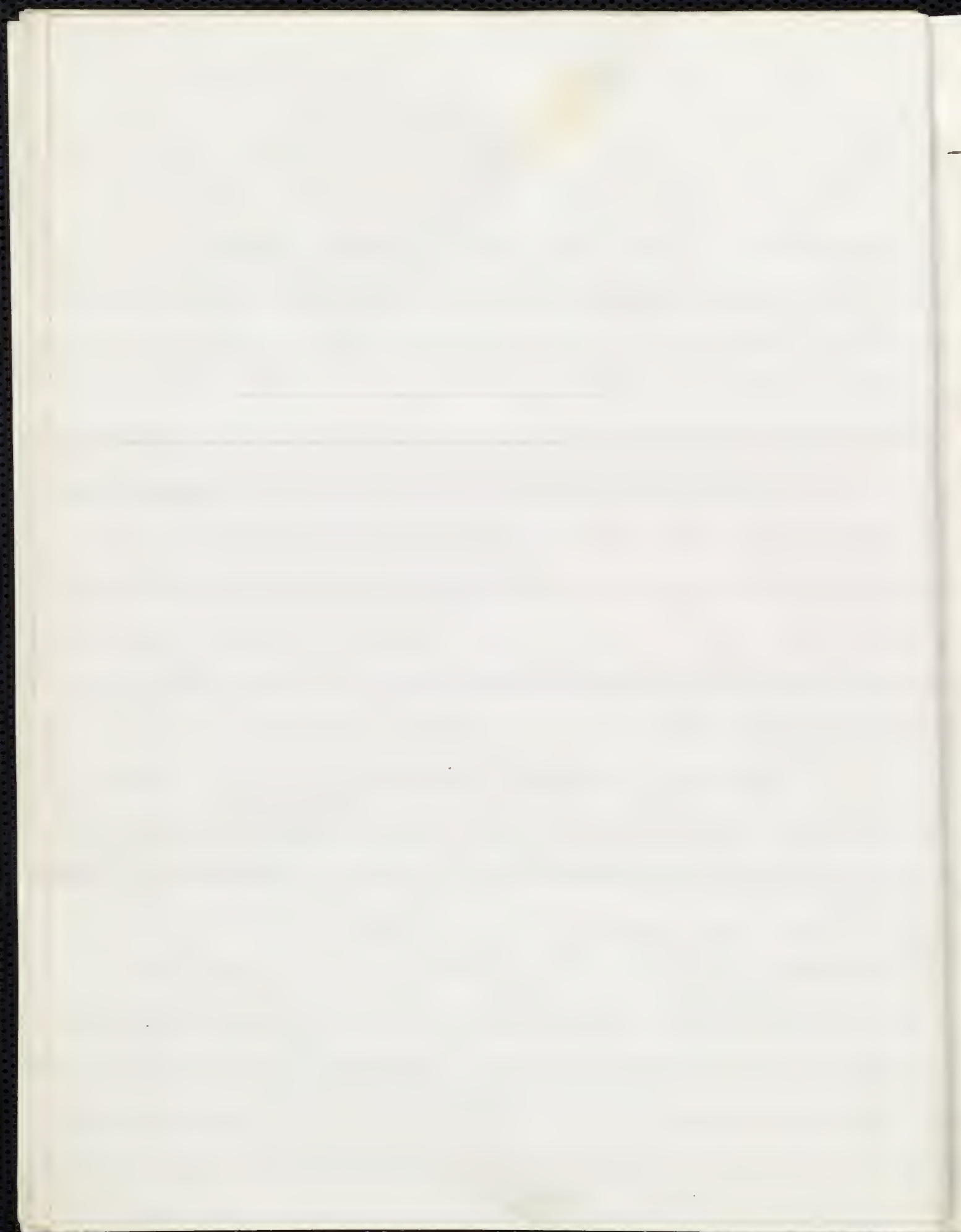
"We cannot, in such comment as Mr. Garrison desires Editors generally to make on his prosecution, and we cannot, in our real friendship to him, praise him for any act of rashness and indiscretion."

"I ask, deserve, and expect the praise of no individuals for my labors; because I am merely endeavoring to perform my duty — and, as I fall ~~far~~ short of that duty, therefore I cannot be meritorious. You misapprehend the nature of the comments that I requested Editors to make upon my trial. It is my solemn belief, that a more flagrant infringement upon the liberty of the press, than is presented in the decision of the Court, is hardly

8th

to be found in the record of libellous prosecutions in France or Great-Britain. I was convicted upon an indictment which was utterly defective, and as innocent as black paper — evidence failing to prove that I had printed or published, or had any agency in printing or publishing, or had written or caused to be written, or had even seen or known anything of the obnoxious article!! Here, then, seemed to be an extraordinary procedure, unparalleled for its complexion in this country at least, and dangerous to the freedom of public discussion — deserving, in a special manner, the remembrance of every watchful patriot: — An editor convicted of writing and publishing a "false, wicked and malicious Libel," without any authentic evidence of his guilt; and upon the most whimsical pretences!! — I solicited no sympathy for myself: I only requested editors to look at the law and the facts, and to vindicate their prerogative. "Let it be impressed upon your minds," says Justice, "let it be instilled into your children, that the liberty of the press is the palladium of all your civil, political and religious rights."

Heley's "stubbornness" and "dogmaticalness" consist in ardently cherishing, and fearlessly avowing, the following notions:



— That — "all men are born equal, and endowed by their
 Creator with certain unalienable rights" — consequently,
 that a slaveholder or a slave abettor, is neither a
 true patriot, a good citizen, nor an honest man, in all
 his transactions and relations, and that slavery is
 a reproach and a curse upon our nation: — That
 intemperance is a filthy habit and an awful scourge,
 wholly produced by the moderate, occasional and fashionable
 use of alcoholic liquors — consequently, that it is sinful
 to distil, to import, to sell, to drink, or to offer such liquors
 to our friends or laborers, and that entire abstinence is the
 duty of every individual: — That war is fruitful in crime,
 misery, sorrow, murder and everything abominable
 and bloody — and, whether offensive or defensive, is contrary
 to the precepts and example of Jesus Christ; and to the
 heavenly spirit of the gospel — consequently, that no ^{real profane} profession
 of Christianity should march to the battlefield, or murder
 any of his brethren for the glory of his country. These are
 the fruit-fruits of my bigotry, fanaticism, rashness and
 folly. If I am prompted by "vanity" in pleading for the
 poor, degraded, miserable Africans, it is at least a harmless,
 and, I hope, will prove a useful vanity. Praise to God
 it were epidemic! It is a vanity calculated to draw down

u
7

the curses of the guilty, to elicit the enmity of the malevolent,
to excite the suspicion of the cold hearted, to offend the timidity of
the cowardly, to disturb the repose of the lethargic: — and
finally that promises to its possessor nothing but neglect,
poverty, scorn, reproach, persecution and imprisonment —
with the approbation of a good conscience, and the smiles
of a merciful God. I think it will last me to the grave.

H But why so vehement? so unyielding? so severe?
Because the times and the cause demand vehemence.
An immense iceberg, larger and more impenetrable than
any which floats in the arctic ocean, is to be dissolved,
and a little extra heat is not only pardonable, but
absolutely necessary. Because truth can never be
sacrificed, and justice is eternal. Because great
crimes and destructive evils ought not to be palliated,
nor great crimes applauded. With reasonable men,
I will reason; with humane men, I will plead; but
to tyrants I will give no quarter, nor waste arguments
where they will certainly be lost.

H The hearts of some individuals are like ice congealed
by the frigidity of a wintry atmosphere that surrounds,
envelopes and obdures. These may be melted by the
rays of humanity, the warmth of exhortation, and the

Breath of fire. Culture are like adamantine rocks; they require a ponderous sledge (or a powerful arm) to break them in pieces, or a cask of powder to blow them up. Truth may blaze upon them with mid-day intenseness, but they cannot be scorched.
 3. Everyone who comes into the world, should do something to repair its moral desolation, and to restore its primitive loveliness; and he who does not assist, but slumbers away his life in idleness, defeats one great purpose of his creation. But he who, not only refusing to labor himself, endeavors to enlarge and perpetuate the ruin, by discouraging the hearts of the more industrious, and destroying the beautiful works, is a monster and a barbarian, in despite of his human nature and of civilization.

With sentiments of high esteem and ardent affection, I subscribe myself,

Yours, to the grave,

Wm. Lloyd Garrison.

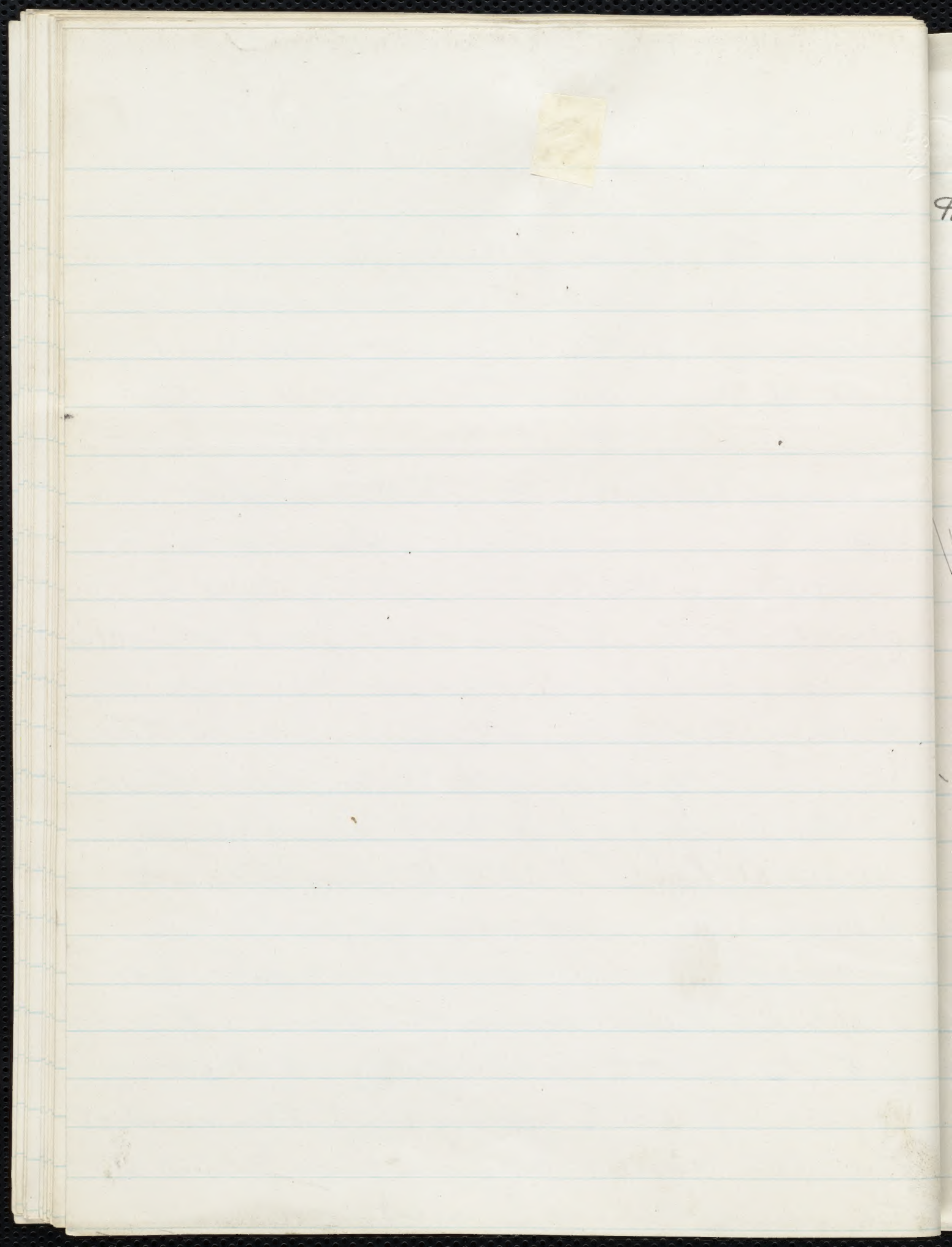
Note: I commend Messrs. Beale and Homer of the Boston Commercial Gazette for their frankness, as exhibited in the following commentary:

"The Garrison is to be commiserated for his imprudence; but will any respectable merchant, who has a proper regard for his own character, say - after reading the obvious

a tale - that that individual Does not - richly merit
the punishment - he is now receiving!! (large caps)
 Let me assure these gentlemen, that there is not a kidnapper
 or a slave abettor, whether in New-England or out of it; who
 does not coincide in their opinion. They entertain, certainly,
 a clear perception of the liberty of the press, and seem to have
 imbibed an extraordinary portion of the spirit of their
 revolutionary fathers, to say that a person richly merits
punishment - for denouncing the most horrible traffic that
 ever disgraced humanity! for daring to tell the truth! for
 asserting the rights of the bondman! - and punished, too, upon
 such an indictment, without any legal evidence of his
 guilt! If this be the essence of Federalism, I have mistaken
 its nature, and shall turn my coat. Their "wisdom and
 experience," their "prudence and judgment," their philanthropy
 and justice, are indisputably profound, wary and intense.
 I have observed, with no little astonishment, that these
 gentlemen publish, with avidity, almost everything in defense
of slavery which emanates from our southern politicians.
 The rhapsodical, incoherent, and vile sentiments of
 Senator Hayne, and the despicable speculations of Senator
 Rowan, on this subject, could elicit no disparaging
 remarks from their pen, to accompany that cruel -

made in the columns of the Gazette.

No doubt many merchants in New England will condemn me, for the significant reason urged by the editors, namely, ^[of the Boston Commercial Gazette] a proper regard for their own characters." Why? Because they are guilty, and dread exposure. It is a shameful fact, — and in private conversation, it is thrown at me repeatedly, — that the transportation of slaves is almost entirely effected in New England bottoms!!! — The case of Mr. Todd is not a rare one. I was very warmly conversing, the other day, with a slave owner on the criminality of oppressing the blacks, when he retorted — "Your preaching is fine, but it is more especially needed at home. I detest the slave trade — it is cruel and unpardonable: yet your eastern merchants do not scruple to embark in it." "Sir," I replied, "I do not endorse their conduct. The fact, that you state, is humiliating. Am I not confined in prison for exposing one of their numbers? Let them beware! Every one whom I detect in this nefarious business — merchant or master —



14th

shall be advertised to the world - "

May "punishment" do not dishearten me. Whether
liberated or not, my pen shall not remain idle.
May thoughts flow as copiously, my spirit towers
as loftily, my soul flame as intensely, in prison,
as out of it. The court may shackle the body,
but it cannot pinion the mind.

W. L. G.

Baltimore Jail, June 15 1830.

Ms. A.1.2. v.41 p.5

